

PATENT
ATTORNEY DOCKET NO.: **056291-5246**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:) Confirmation No. **8786**
Jay Lal **MEHTA**)
Appln. No.: **10/573,353**) Group Art Unit: **1617**
Filed: **June 8, 2007**) Examiner: **Timothy E Betton**
FOR: **THERAPEUTIC TREATMENT**)
Date: **November 11, 2010**

AMENDMENT AND RESPONSE
ACCOMPANYING RCE

This Amendment and Response is being filed accompanying a Request for Continued Examination, and is in response to the Final Rejection dated December 11, 2009, and the telephonic interview on June 10, 2010 with the participation of the undersigned, Examiner Betton and SPE Sreeni Padmanabhan. Please amend this application as follows:

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims begin on page 4 of this paper.

Remarks begin on page 5 of this paper.

The following literature references and Federal Circuit and Board opinions are attached hereto and discussed in support of the arguments below:

- Breslow, Science, 1996, 272, 685-688
- Harris *et al.*, Gene Therapy 2002, 9, 21-29
- Lyngdorf *et al.*, Cardiovascular Research, 2003, 59, 854-862
- Tarling *et al.*, Arteriosclerosis, Thrombosis and Vascular Biology, 2010, 30, 1174

In re Brana, 34 USPQ2d 1436 (Fed. Cir. 1995)

Ex parte Gregory, Appeal 2008-005266 (BPAI 2009)

Ex parte Porubek, Appeal No. 2001-1101 (BPAI, non precedential)